Case: 1:21-cv-04433 Document #: 1 Filed: 08/19/21 Page 1 of 12 PageID #:1

RECEIVED If you need additional space for ANY section, please attach an additional sheet and reference that s8/n19/2021

THOMAS G. BRUTON CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ELLENOIS

Nicole Poe Plaintiff(s). Easterseals	1:21-cv-04433 Judge Sara L. Ellis Case Number: Magistrate Judge Sunil R. Harjani RANDOM
Defendant(s).	
1. This is an action for employment disci 2. The plaintiff is All Cole Poe	IPLOYMENT DISCRIMINATION dimination. of the
0	in the state of IL. whose
(city) Chlcago (county) Cook	(state) IL (ZIP) 60608 2) -491-4110
4. The plaintiff sought employment or w. 1939 W. 13th St., Ster. (county) Gook (state) IL	

(if you need additional space for ANY section, please attach an additional sheet and reference that section.)

i.	The plaintiff [check one box]
	(a) O was denied employment by the defendant.
	(b) was hired and is still employed by the defendant.
	(c) was employed but is no longer employed by the defendant.
ì.	The defendant discriminated against the plaintiff on or about, or beginning on or about, (month) 9, (day) 13, (year) 20/8.
7.1	(Choose paragraph 7.1 or 7.2, do not complete both.)
	(a) The defendant is not a federal governmental agency, and the plaintiff [check one box] Whas Chas not filed a charge or charges against the defendant
	asserting the acts of discrimination indicated in this complaint with any of the
	following government agencies:
	(i) the United States Equal Employment Opportunity Commission, on or about (month) 05 (day) 16 (year) 2019.
	(ii) the Illinois Department of Human Rights, on or about
	(month) 05 (day) 16 (year) 2019.
	(b) If charges were filed with an agency indicated above, a copy of the charge is
	attached. W Yes, [] No, but plaintiff will file a copy of the charge within 14 days
	It is the policy of both the Equal Employment Opportunity Commission and the Illinois
	Department of Human Rights to cross-file with the other agency all charges received. The
	plaintiff has no reason to believe that this policy was not followed in this case.
7.2	The defendant is a federal governmental agency, and
	(a) the plaintiff previously filed a Complaint of Employment Discrimination with the
	[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

If you need additional space for ANY section, please attach an additional sheet and reference that section. I

defendant asserting the acts of discrimination indicated in this court complaint. Cl Yes (month) (day) O No. did not file Complaint of Employment Discrimination (b) The plaintiff received a Final Agency Decision on (month)_ (day) ____ (year) ____ Attached is a copy of the (c) (i) Complaint of Employment Discrimination, No, but a copy will be filed within 14 days. (ii) Final Agency Decision ☐ Yes ☐ NO, but a copy will be filed within 14 days. (Complete paragraph 8 only if defendant is not a federal governmental agency.) the United States Equal Employment Opportunity Commission has not (a) [issued a Notice of Right to Sue. (b) the United States Equal Employment Opportunity Commission has issued a Notice of Right to Sue, which was received by the plaintiff on __(year) 2021 a copy of which (month) June (day) [2 Notice is attached to this complaint. The defendant discriminated against the plaintiff because of the plaintiff's [check only those that apply): (a) Age (Age Discrimination Employment Act). (b) Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

	In you need applicates shape for year. Sections' bease agrees an application and desirence age; sections's
	(c) M Disability (Americans with Disabilities Act or Rehabilitation Act)
	(d) D National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
	(e) Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
	(f) Religion (Title VII of the Civil Rights Act of 1964)
	(g) Sex (Title VII of the Civil Rights Act of 1964)
0.	If the defendant is a state, county, municipal (city, town or village) or other local
	governmental agency, plaintiff further alleges discrimination on the basis of race, color, or
	national origin (42 U.S.C. § 1983).
11.	Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII
	claims by 28 U.S.C.§1331, 28 U.S.C.§1343(a)(3), and 42 U.S.C.§2000e-5(f)(3); for 42
	U.S.C.§1981 and §1983 by 42 U.S.C.§1988; for the ADA by 42 U.S.C.§12117; for the
	Rehabilitation Act, 29 U.S.C. § 791; and for the ADEA, 29 U.S.C. § 626(c).
12.	The defendant [check only those that apply]
	(a) D failed to hire the plaintiff.
	(b) If terminated the plaintiff's employment,
	(c) ailed to promote the plaintiff.
	(d) [a failed to reasonably accommodate the plaintiff's religion.
	(e) In failed to reasonably accommodate the plaintiff's disabilities.
	(f) V failed to stop harassment;
	(g) W retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
	(h) O other (specify):

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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TT	
I ne	facts supporting the plaintiff's claim of discrimination are as follows:
士	Suffered an unexpected eye injury that required me
TO	have regsonable accommodations at work & School. /4
0	2001 2 1000000 10 1100
U	ry/lover Lyster xals went against my a commodations by 9/lon
my	manager to freat me unfairly. The unfair freatment
my	myloyer custerseals went against my accommodations by 9/low manager to freat mie unfairly. The unfair freatment cluded harassnent, fals field write-ups & termination.
my	manager to treat me unfairly. The unfair treatment cluded harassment, falsofied write-ups 4 termination.
IAG	eluara naryssmett, 7915 Area Wirterys 4 Termination.
[AC	E DISCRIMINATION ONLY Defendant knowingly, intentionally, and willfully
IAG discr	EDISCRIMINATION ONLY Defendant knowingly, intentionally, and willfully riminated against the plaintiff. plaintiff demands that the case be tried by a jury. Yes D No
IAG discr	EDISCRIMINATION ONLY Defendant knowingly, intentionally, and willfully riminated against the plaintiff. plaintiff demands that the case be tried by a jury. Yes I No REFORE, the plaintiff asks that the court grant the following relief to the plaintiff
IAG discr	EDISCRIMINATION ONLY Defendant knowingly, intentionally, and willfully riminated against the plaintiff. plaintiff demands that the case be tried by a jury. Yes I No REFORE, the plaintiff asks that the court grant the following relief to the plaintiff ook andy those that apply]
IAC discrete THE (che	BDISCRIMINATION ONLY Defendant knowingly, intentionally, and willfully riminated against the plaintiff. plaintiff demands that the case be tried by a jury. Yes I No REFORE, the plaintiff asks that the court grant the following relief to the plaintiff tok only those that apply) I Direct the defendant to hire the plaintiff.
The THE (che (a)	B DISCRIMINATION ONLY Defendant knowingly, intentionally, and willfully riminated against the plaintiff. plaintiff demands that the case be tried by a jury. Yes I No REFORE, the plaintiff asks that the court grant the following relief to the plaintiff tok only those that apply) I Direct the defendant to hire the plaintiff. I Direct the defendant to re-employ the plaintiff.
THE (che (a) (b)	E DISCRIMINATION ONLY Defendant knowingly, intentionally, and willfully riminated against the plaintiff. plaintiff demands that the case be tried by a jury. We Yes I No REFORE, the plaintiff asks that the court grant the following relief to the plaintiff ask andy those that apply] I Direct the defendant to hire the plaintiff. I Direct the defendant to re-employ the plaintiff. I Direct the defendant to promote the plaintiff.

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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g)	If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
1)	Grant such other relief as the Court may find appropriate.
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1	cole be
Q/~	194 S. Dante Ave.
aintif	I's street address)
ity)	Wago (State) IL (ZIP) 606/9
aintif	E's telephone number) (708-5/5-5368
	\circ . 1

1600 Form 8 (11/05)				
CHARGE OF DISCRIMINATION	Change Pre	sented To:	Agency	ise) Charge Mo(a):
This faim is effected by the Privocy fut of 1974. See onelined Privacy Apt Statement and other information balance completing tits famil.	X FE	DC 440.		9-04944
Minois Department of I	Human Rights	And a little of the latest and the l		and EEOC
Vienne (Indicata kir., kira.)	immediciliments in his birth requisitions.	70.		
Ms. Nicola Poa	1 190	(708) 515-53		08/0.2/1079
Bireal Address Chr. State and	I ZIP Cosia	(100) 310-36	140-61	98/6/2/19/9
8504 S. Dants Ave., Chicago, IL 69819				
Neroed is the Employer, Lebor Organization, Employment Agency, Appreciosable C Discriminated Ageinst Mo or Others. (If more than two, list under PARTICULARS be	Constitue, or State slow.)	or Lecal Governm	ent Agency	That I Gallava
Morre	Ho	Ho, Eimplegrows, blastobero		io. (Induda Area Cade)
Ensternante		20	(31	2) 419-4110
Street Address City, State and	126° Code			
1939 West 13 th Street, Suite 300, Chicago, IL 60608				
REC	CEIVEDE	Employ Combors	Phone N	lo. (Indudu Area Gode)
Biroot Addresss City, State and	MAK 2 0 20	119		
X RETAINTION AGE X DEABLITY GENET OTHER (Specify) THE PARTICULARS ARE (If additional paper is recorded, edited solds should(s)): Statement of Harm: I suffered an injury outside of work to accommodation was denied by Easterseals, and I was more due to my injury. I complained; however, no remedial activativality after my complaints and I was placed on a Perform attempt to address the discrimination and my counsel as Easterseals terminated my employment under pretext.	cked and subj lon was taken nance improve	lacted to disc . My work in ment Plan.	riminate ocation I retain	nodation, My my comments was removed ad counsel to
Statement of Discrimination: I believe I have been discrimination of the Americans with Disabilities Act (ADA).				
ill advise the agendee if I change my address or phone number and I will coperate fully with them in the processing of my change in accordance with their recedings. I as declare, under panelty of perjury that the above is true and correct. I the	TARY - When necessions or affirm that I is best of my knowle sharung or court	have reed the ab	ova dhanga nd batal jan	and that it is true to Find each apply account for property account for
5/10/11 ///04	BOCRIBED AND SWO		E AND ONE	HORNOT CARSE
	laulle.	H19		

James L. Bennett, Director

June 3, 2019

Nicole Poe 8504 S. Dante Ave. Chicago, IL 60619

Re: Nicole Poe vs. Easterseals #190603014

You are receiving this letter because you filed a charge with the United States Equal Employment Opportunity Commission (EEOC). The EEOC and the Illinois Department of Human Rights (Department) are parties to a cooperative agreement. Under this agreement, when you filed your charge of discrimination with the EEOC, a copy of the charge was automatically filed with the Department. The Department is keeping a copy of your EEOC charge on file to preserve jurisdiction under Illinois law.

Since you filed your discrimination charge initially with the EEOC, the EEOC is the governmental agency responsible for investigating the charge and the investigation will be conducted pursuant to the rules and procedures adopted by the EEOC. The Department will take no action on your charge until the EEOC issues its findings. After the EEOC issues its findings, if you want the Department to take any further action on your charge, you must send the Department a copy of the EEOC's findings within 30 days after service of the EEOC's findings on you. Please also send a one sentence written statement requesting that the Department investigate your charge and include the above Control Number. You may submit a copy of the EEOC's findings by either of the following methods:

By Mail:

Send your EEOC findings and written statement via U.S. Postal certified mail, return receipt requested, to: Illinois Department of Human Rights, Attn: EEOC Referred Charges/Intake Unit,

100 W. Randolph St., Ste. 10-100, Chicago, IL 60601.

In Person:

Bring an original and one copy of your EEOC findings and written statement to the Department. The Department will stamp and return the copies to you for your records.

If you received the EEOC's findings prior to receipt of this letter, you have 30 days from the date of this letter to send the Department a copy of the EEOC's findings. Upon receipt of the EEOC's findings, the Department will mail you a notice as to what further action the Department may take on your charge.

The 365-day time period for the Department to investigate your EEOC charge is tolled while the EEOC is investigating your charge and does not begin to run until the EEOC issues its findings. Your failure to timely provide the EEOC's findings to the Department will result only in the Department closing your file. This process does not affect the investigation of your charge at EEOC. If you do not wish to proceed with the Department, you do not need to take any further action.

This letter does not apply to any settlement of this charge the parties have made with the EEOC.

If you have any questions, please contact Thomas F. Roeser, Pre-Investigations Coordinator, at (312) 814-6295. Please do not contact the EEOC.

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

PRE1-EEOC 30 Rev. 8/18

Easterseals CC: 1939 W. 13th St, Ste. 300 Chicago, IL 60608



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Chicago District Office

JCK Federal Building 230 S. Dearborn Suite 1866 (Enforcement, State and Local & Hearings) Suite 2920 (Legal & ADR) Chicago, IL 60604

Intake Information Group: (800) 669-4000 Intake Information Group TTY: (800) 669-6820 Chicago Direct Dial: (312) 872-9777

Administration Fax: (312) 588-1255

Enforcement/File Disclosure Fax: (312) 588-1260 Federal Sector Fax: (312) 588-1265

Intake FAX: (312) 588-1286 Legal Fax: (312) 588-1494 Mediation Fax: (312) 588-1498 Website: www.ceoc.gov

DISMISSAL AND NOTICE OF RIGHTS ENCLOSED

RE:

EEOC Charge No.:

440-2019-04944

Charging Party:

Nicole Poe

Respondent:

Easter Seals

Dear Ms. Poe:

The United States Equal Employment Opportunity Commission (EEOC) issued the enclosed Dismissal and Notice of Rights (Notice) in the above-referenced charge on the date reflected thereon. Specifically, on that date, EEOC sent you an email notification that EEOC had made a decision regarding the above-referenced charge and advised you to download a copy of the decision document from the Portal. Our records indicate you have not downloaded the Notice from the Portal. For your convenience, a copy of the Notice is enclosed with this letter.

Please note that if the Charging Party wants to pursue this matter further in court, Charging Party must file a lawsuit within 90 days of the date they receive the Notice. The 90-day period for filing a private lawsuit cannot be waived, extended, or restored by the EEOC.

I hope this information is helpful. If you have questions, please contact Victoria Shealey by telephone at (312) 872-9739 or email at Victoria. Shealey@eeoc.gov.

Sincerely,	
	6/2/2021
Julianne Bowman/jg	
Julianne Bowman	Date Mailed
District Director	

Enclosure

U.S. EEOC CHICAGO DISTRICT OFFICE JOHN C. KLUCZYNSKI FEDERAL BUILDING 230 SOUTH DEARBORN SUITE 1866 CHICAGO, IL 60604 S SUBURBAN IL 604 4 JUN 2021 PM 5 L

Ms. Nievle Poe 8504 South Dante Avenue Chicago, IL 60619

60619-651404

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EEOC Form 161-B (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

	Notic	E OF RIGHT TO SUE (ISSUE	D ON R	EQUEST)
To: Nicole Poe c/o Gary Martoccio SPIELBERGER LAW GROUP 4890 West Kennedy Blvd, Suite 950 Tampa, FL 33609			23 Su	icago District Office D S. Dearborn ite 1866 icago, IL 60604
	On behalf of person(s) aggrieved CONFIDENTIAL (29 CFR §1601.			
EEOC Charge N	lo.	EEOC Representative	Transfer	Telephone No.
440-2019-04944		Victoria Shealey,	Victoria Shealey,	
		Investigator	61 5 3	(312) 872-9739
Title VII of the Act (GINA): Theeen issued at	is is your Notice of Right to 3 your request. Your lawsuit u	e Americans with Disabilities Act (Sue, issued under Title VII, the ADA o nder Title VII, the ADA or GINA mus	ADA), or to GINA base be filed in	ne Genetic Information enclosed with this form. The Genetic Information Nondiscrimination sed on the above-numbered charge. It has a federal or state court WITHIN 90 DAYS
tate law may b	e different.)	to sue based on this charge will be lo	st. (The ti	me limit for filing suit based on a claim under
X N	fore than 180 days have pas	sed since the filing of this charge.		
L b	ess than 180 days have pass a able to complete its admini	sed since the filing of this charge, but strative processing within 180 days fi	I have det om the fili	ermined that it is unlikely that the EEOC will no of this charge.
	he EEOC is terminating its p			
Т	ne EEOC will continue to pro	cess this charge		
our case:	u receive notice that we have ne EEOC is closing your cas	e completed action on the charge. In	this regar	ne from 60 days after the charge was filed united, the paragraph marked below applies to state court <u>WITHIN</u> on the above-numbered charge will be lost.
Т	ne EEOC is continuing its ha	ndling of your ADEA case. However state court under the ADEA at this time	if 60 days	s have passed since the filing of the charge,
ny violations	that occurred more than 2	years (3 years) before you file suit	may not h	ge is not required.) EPA suits must be brough ayment. This means that backpay due for be collectible.
you file suit, ba	ased on this charge, please s	end a copy of your court complaint to	his office.	
		On behalf of th	e Commis	sion
		Julianne Bowma	Veh	5/19/2021
Enclosures(s)		Julianne Bowr District Direc	nan,	(Date Issued)
La 61 Su	I P. O'Brien ner Muchin, Ltd. 5 N. State St. ite 2800 icago, IL 60604			

Enclosure with EEOC Form 161-B (11/2020)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

(This information relates to filing suit in Federal or State court <u>under Federal law</u>.

If you also plan to sue claiming violations of State law, please be aware that time limits and other provisions of State law may be shorter or more limited than those described below.)

PRIVATE SUIT RIGHTS

Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was issued to you (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit before 7/1/10 – not 12/1/10 –- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do <u>not</u> relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.